

## CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 50-2215.

## AMENDMENTS

### In the Claims:

Cancel claim 2 without prejudice.

Please amend claims 1 and 3 pursuant to 37 C.F.R. § 1.121(c)(1)(i) as set forth in the "clean" version set forth below. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(c)(1)(ii) is attached hereto as Appendix A.

The optional complete set of "clean" claims pursuant to 37 CFR 1.121(c)(3) is attached hereto as Appendix B.

1. (Amended) An electric device comprising:  
a substrate;

a lower electrode layer on the substrate and comprising a material capable of reactive-ion etching with a fluorine-based gas which is at least one element selected from the group consisting of Si, Mo, W, B, C, S and Ta; and

an upper electrode layer on the lower electrode layer and comprising a material capable of reactive-ion etching with a chlorine-based gas, wherein said upper electrode comprises Al.

3. (Amended) An electronic device according to Claim 1, wherein the lower electrode has a thickness of about 0.5 nm to 1000 nm.